

Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 25

SENATE BILL 1020

AN ACT

AMENDING SECTIONS 41-311 AND 41-351, ARIZONA REVISED STATUTES; RELATING TO
NOTARIZED DOCUMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-311, Arizona Revised Statutes, is amended to
3 read:

4 41-311. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Acknowledgment" means a notarial act in which a notary certifies
7 that a signer, whose identity is proven by satisfactory evidence, appeared
8 before the notary and acknowledged that the signer signed the document.

9 2. "Commission" means to authorize to perform notarial acts and the
10 written authority to perform those acts.

11 3. "Copy certification" means a notarial act in which the notary
12 certifies that the notary has made a photocopy of an original document that
13 is neither a public record nor publicly recordable.

14 4. "Identity is personally known" means familiarity with an individual
15 resulting from interactions with that person over a sufficient time to
16 eliminate reasonable doubt that the individual has the identity claimed.

17 5. "Incomplete document" means a document that has not been signed
18 where a signature line is provided or where other obvious blanks appear in
19 the document or that lacks a notarial certificate.

20 6. "Jurat" means a notarial act in which the notary certifies that a
21 signer, whose identity is proven by satisfactory evidence, has made in the
22 notary's presence a voluntary signature and has taken an oath or affirmation
23 vouching for the truthfulness of the signed document.

24 7. "Notarial act" or "notarization" means any act that a notary is
25 authorized to perform under section 41-313.

26 8. "Notarial certificate" or "certificate" means the part of or
27 attachment to a notarized document for completion by the notary that bears
28 the notary's signature and seal and states the facts that are attested by the
29 notary in a particular notarization.

30 9. "Notary public" or "notary" means any person commissioned to
31 perform notarial acts under this article.

32 10. "Oath" or "affirmation" means a notarial act or part of a notarial
33 act in which a person made a vow in the presence of the notary under penalty
34 of perjury, with reference made to a supreme being in the case of an oath.

35 11. "Satisfactory evidence of identity" means that proof is evidenced
36 by one of the following:

37 (a) At least one current form of identification issued by the United
38 States government or a state or tribal government with the individual's
39 photograph, signature and physical description. The individual's physical
40 description contained in the form of identification shall be written and
41 shall include at a minimum a description of the individual's height, weight,
42 color of hair and color of eyes.

43 (b) The oath or affirmation of a credible person who is personally
44 known to the notary and who personally knows the individual.

1 (c) The oath or affirmation of a credible person who personally knows
2 the individual and who provides satisfactory evidence of identity pursuant to
3 subdivision (a) of this paragraph.

4 (d) Personal knowledge of the individual by the notary.

5 (e) FOR THE PURPOSES OF A REAL ESTATE CONVEYANCE OR FINANCING, A VALID
6 UNEXPIRED PASSPORT THAT IS ISSUED BY THE UNITED STATES GOVERNMENT OR ANY
7 OTHER NATIONAL GOVERNMENT. A PASSPORT ISSUED BY A NATIONAL GOVERNMENT OTHER
8 THAN THE UNITED STATES GOVERNMENT MUST BE ACCOMPANIED BY A VALID VISA OR
9 OTHER DOCUMENTATION ISSUED BY THE UNITED STATES GOVERNMENT NECESSARY TO
10 ESTABLISH AN INDIVIDUAL'S LEGAL PRESENCE IN THE UNITED STATES.

11 Sec. 2. Section 41-351, Arizona Revised Statutes, is amended to read:

12 41-351. Definitions

13 In this article, unless the context otherwise requires:

14 1. "Approved time stamp provider" means a person or organization
15 recognized by the secretary of state as capable of reliably providing time
16 stamp services on notary service electronic documents.

17 2. "Electronic" means relating to technology having electrical,
18 digital, magnetic, wireless, optical, electromagnetic or similar
19 capabilities.

20 3. "Electronic acknowledgment" means a notarial act in which an
21 electronic notary electronically certifies that the signer, whose identity is
22 proven by satisfactory evidence, either:

23 (a) Appeared before the electronic notary and acknowledged that the
24 signer executed the instrument.

25 (b) Provided secure electronic acknowledgment that the signer executed
26 the electronic instrument presented to the electronic notary.

27 4. "Electronic commission" means the written authority to perform
28 electronic notarization acts.

29 5. "Electronic document" means any record created, generated, sent,
30 communicated, received or stored by electronic means.

31 6. "Electronic jurat" means an electronic notarial act in which the
32 electronic notary certifies that a signer, whose identity is proven by
33 satisfactory evidence, has made in the electronic notary's presence a
34 voluntary electronic signature or mark and has taken an oath or affirmation
35 vouching for the truthfulness of the signed electronic document.

36 7. "Electronic notary public" or "electronic notary" means any person
37 commissioned to perform notarial acts under this article.

38 8. "Electronic notary token" means the electronic attachment to a
39 notarized electronic document that is attached by the electronic notary and
40 that contains the notary's electronic signature. The electronic notary token
41 is linked to the electronic document to which it relates in a manner so that
42 if the document is changed the electronic notary token is invalidated.

43 9. "Electronic signature" means an electronic method or process that
44 through the application of a security procedure allows a determination that

1 the electronic signature at the time it was executed was all of the
2 following:

- 3 (a) Unique to the person using it.
- 4 (b) Capable of verification.
- 5 (c) Under the sole control of the person using it.
- 6 (d) Linked to the electronic document to which it relates in a manner
7 so that if the document is changed the electronic signature is invalidated.

8 10. "Notary service electronic certificate" means the materials and
9 methods issued by an electronic notary to a prospective signer so that signer
10 may create a notary service electronic signature.

11 11. "Notary service electronic signature" means an act completed by a
12 signer using a properly issued notary service electronic certificate to sign
13 an electronic document.

14 12. "Oath" or "affirmation" means an act in which a person makes a vow
15 in the presence of the electronic notary under penalty of perjury, with
16 reference made to a supreme being in the case of an oath.

17 13. "Personal knowledge of identity" means familiarity with an
18 individual resulting from interactions with that individual over a sufficient
19 time to eliminate reasonable doubt that the individual has the identity
20 claimed.

21 14. "Satisfactory evidence of identity" means that proof of identity is
22 evidenced by one of the following:

23 (a) At least one current form of identification issued by a federal,
24 state or tribal government with the individual's photograph, signature and
25 written physical description.

26 (b) The oath or affirmation of a credible person who is personally
27 known to the electronic notary and who personally knows the individual
28 signer.

29 (c) The oath or affirmation of a credible person who personally knows
30 the individual and who provides satisfactory evidence of identity pursuant to
31 subdivision (a) of this paragraph.

32 (d) Personal knowledge of the individual signer by the electronic
33 notary.

34 (e) FOR THE PURPOSES OF A REAL ESTATE CONVEYANCE OR FINANCING, A VALID
35 UNEXPIRED PASSPORT THAT IS ISSUED BY THE UNITED STATES GOVERNMENT OR ANY
36 OTHER NATIONAL GOVERNMENT. A PASSPORT ISSUED BY A NATIONAL GOVERNMENT OTHER
37 THAN THE UNITED STATES GOVERNMENT MUST BE ACCOMPANIED BY A VALID VISA OR
38 OTHER DOCUMENTATION ISSUED BY THE UNITED STATES GOVERNMENT NECESSARY TO
39 ESTABLISH AN INDIVIDUAL'S LEGAL PRESENCE IN THE UNITED STATES.

40 15. "Time stamp token" means a secure electronic method to affix a
41 statement of the time and date that the document was recognized as a valid
42 notary service electronic document by an approved time stamp provider. A
43 time stamp token is attached by an approved time stamp provider to the
44 document in a way that if the document changes the time stamp token is
45 invalidated.

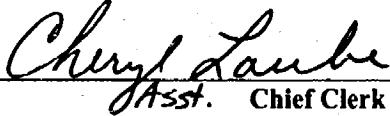
Passed the House March 29, 20 05,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House

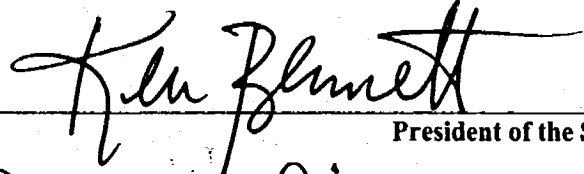


Asst. Chief Clerk of the House

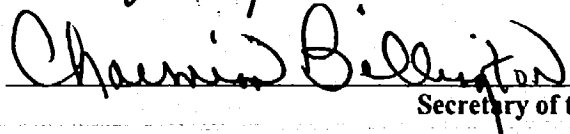
Passed the Senate February 7, 20 05,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate



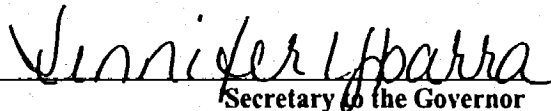
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30th day of March, 20 05

at 1:41 o'clock P. M.

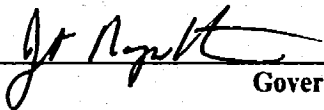


Secretary to the Governor

Approved this 5 day of

April, 20 05,

at 8²⁵ o'clock A. M.



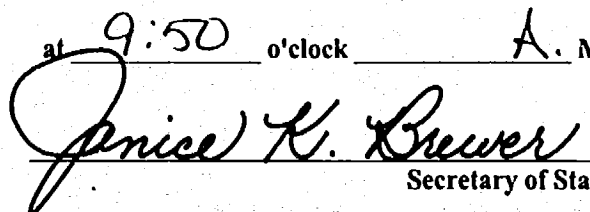
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 5 day of April, 20 05,

at 9:50 o'clock A. M.



Secretary of State

S.B. 1020